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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,034	06/23/2000	Jeffry Jovan Philyaw	PHLY-25,337	9028

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/602,034

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: note reference numeral 2810 of Figure 28. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Kinneide in view of Lavin et al (hereinafter, "Lavin", US2003/0095525).

As per claims 1 and 10, O'Kinneide discloses a method and apparatus for accessing information over a network from a remote location on the network for delivery to a user PC, comprising the steps of:

- activating the button on the phone to activate the functional mode when in proximity to the user PC (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8);
and

- in response to activation of the functional mode, controlling the user PC to access information from the remote location on the network for delivery to the user PC and display thereof on a display associated with the user PC (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8).

However, O' Cinneide does not explicitly disclose:

- providing a functional mode on a cellular telephone for web access over the network; and
- associating a button on the phone with the functional mode.

Lavin discloses a navigation control unit for a wireless computer resource access device comprising:

- providing a functional mode on a cellular telephone for web access over the network (par. 0034, lines 1-9, par. 0051, lines 3-15, par. 0054, lines 1-11, par. 0056, lines 1-7, par. 0057, lines 3-13, par. 0061, lines 3-11, and par. 0066, lines 3-13); and
- associating a button on the phone with the functional mode (par. 0034, lines 1-9, par. 0051, lines 3-15, par. 0054, lines 1-11, par. 0056, lines 1-7, par. 0057, lines 3-13, par. 0061, lines 3-11, and par. 0066, lines 3-13);

Therefore, it would have been obvious to one of ordinary skill in the art to modify O' Cinneide by specifying a button on the phone with the functional mode for web access over the network utilizing the button on the cell phone to facilitate connection and transmission of information to the user PC.

As per claim 19, O' Cinneide discloses a system for accessing information over a network from a remote location on the network for delivery to a user PC, comprising:

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- a cellular telephone have a functional mode for transmitting a signal containing a unique code to the user PC (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8);
- an intermediate node disposed on the network for communicating with the user PC, and having associated therewith a relational database containing a resource of associations between one or more unique codes and corresponding location information of one or more locations on the network (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, col. 7, lines 1-8);
- wherein a user of said cellular telephone activates said functional mode to cause the user PC to connect to said intermediate node, said intermediate node returning said location information associated with said unique code and corresponding to the remote location to the user PC (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8); and
- wherein the user PC connects to the remote location on the network in accordance with said returned location information, and the remote location retrieves the information for delivery to user PC (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8).

As per claims 2 and 11, O'Cinniede discloses:

- wherein the functional mode has associated therewith a unique code, which unique code is associated with the remote location, such that the user PC is controlled in accordance with the unique code to access the predetermined remote location (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8) .

As per claims **3** and **12**, O'Cinniede discloses:

- wherein the step of providing the functional mode comprises storing the unique code in the cellular telephone, which unique code is associated in the step of associating with the button, such that the unique code is output as a function of activation of the button in the step of activating for delivery to the user PC in the step of controlling (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, col. 7, lines 1-8, and col. 8, lines 1-10).

As per claims **4** and **13**, O'Cinneide discloses:

- wherein the step activating comprises transmitting the unique code to the user PC and the user PC further including the step of receiving the unique code from the cellular telephone and, in response thereto, accesses the information from the remote location on the network (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8).

As per claims **5**, **14**, and **20**, O'Cinneide discloses:

- wherein the step of transmitting comprises transmitting via a wireless mode (col. 2, lines 1-22, lines 49-64, col. 6, lines 53-67, and col. 7, lines 1-8).

As per claims **6** and **15**, O'Cinneide does not explicitly disclose:

- wherein the step of transmitting via the wireless mode includes transmitting via an optical link.

Lavin discloses a navigation control unit for a wireless computer resource access device comprising:

- wherein the step of transmitting via the wireless mode includes transmitting via an optical link (par. 0036, lines 6-9, and par. 0078, lines 4-12).

Therefore, it would have been obvious to of one ordinary skill in the art to modify O'Cinneide by specifying a wireless mode that includes an optical link to facilitate connection and transmission of information to the user PC.

As per claims 7 and 16, O'Cinneide discloses wherein the step of controlling the user PC further comprises the steps of:

- receiving the unique code (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8);
- transmitting the unique code to an intermediate node on the network (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8);
- providing a relational database at the intermediate node on the network having contained therein a relational table between one or more unique codes and corresponding location information of the network (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, col. 7, lines 1-8);
- comparing the unique code transmitted to the intermediate node with location that resides in the informational database and, if there is a match transmitting the matched location information back to the user PC (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, col. 7, lines 1-8); and
- connecting the user PC to the remote location in accordance with the matched location information returned thereto from the intermediate node (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, col. 7, lines 1-8).

As per claim 8 and 17, O'Cinneide discloses:

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- wherein the step of transmitting comprises an audio signal wherein the step of receiving comprises receiving and detecting the audio signal and extracting the information in the unique code therefrom (col. 2, lines 7-19, col. 6, lines 10-21, and lines 53-67, and col. 7, lines 1-8).

As per claims 9 and 18, O' Cinneide disclose:

- wherein the network is a global communication network (col. 1, lines 9-14, and col. 4, lines 21-44).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,563,630 to Taakiris et al

U.S. Pat. No. 6,577,877 to Charlier et al

U.S. Pat. No. 5,560,640 to Smethers

U.S. Pat. No. 5,991,749 to Morrill, Jr

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 AM - 5:00 PM.

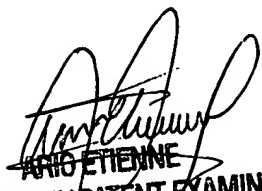
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
June 25, 2003


ARIE ETIENNE
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